

REMARKS

Applicants acknowledge receipt of a Final Office Action dated August 18, 2005. In this response Applicants have amended claim 7 to correct a typographical error and for consistency with the language of claim 2. Entry of this amendment after final rejection is believed to be proper inasmuch as this amendment simply corrects a typographical error and replaces the phrase “consisting essentially of” with the term “wherein” for improved readability of the claim. Claims 1-10 remain pending in the application.

Reconsideration of the present application is respectfully requested in view of the foregoing amendments and the remarks which follow.

Rejections Under 35 U.S.C. § 112

On page 2 of the Office Action, the PTO has rejected claim 7 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. In this response, Applicants have amended claim 7 to correct a typographical error (the omission of the phrase “takes place”) and to replace the phrase “further consisting essentially of” with the term “wherein” for consistency with the language of dependent claim 2.

In view of the foregoing, explanation, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection under §112.

Rejections Under 35 U.S.C. § 102

On page 2 of the Office Action, the PTO has rejected claims 1-10 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication 2004/0127032 to Peng et al. (hereinafter “Peng”).

The present application claims priority under 35 U.S.C. §119 to Japanese Application 2003-005323 filed on January 14, 2003. Concurrently with this Response, Applicant has filed a certified translation of JP 2003-005323 to perfect Applicant’s priority claim to the Japanese priority application. By perfecting the priority to the Japanese priority application, the present application is entitled to a priority date of January 14, 2003, which predates the April 8, 2003 effective prior art date of Peng. Furthermore, since the captioned application includes priority claims based upon 3 Japanese patent applications, Applicants wish to note

here that the disclosure in JP 2003-005323 provides full support for all of the currently pending claims. Accordingly, Peng must be removed as prior art and the rejection of claims 1-10 over Peng must be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that all of the pending claims are now in condition for allowance. An early notice to this effect is earnestly solicited. If there are any questions regarding the application, the Examiner is invited to contact the undersigned at the number below.

Respectfully submitted,

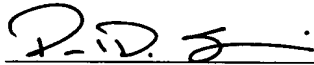
Date 11/16/05

FOLEY & LARDNER LLP

Customer Number: 22428

Telephone: (202) 672-5540

Facsimile: (202) 672-5399

By 

Richard L. Schwaab

Attorney for Applicants

Registration No. 25,479

Paul D. Strain

Attorney for Applicants

Registration No. 47,369

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.